

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

BONNIE MARIE HELLER, Plaintiff, vs. KILOLO KIJAKAZI, ACTING COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION, Defendant.	5:23-CV-05026-DW ORDER GRANTING MOTION FOR ATTORNEY FEES
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Plaintiff Bonnie Marie Heller filed an amended motion for attorney's fees pursuant to 28 U.S.C. § 2412, the Equal Access to Justice Act ("EAJA"). (Doc. 16). The Defendant does not oppose the request. (Doc. 18). Accordingly, it is

ORDERED that Plaintiff's motion (Doc. 16) is granted. It is further

ORDERED that Plaintiff is entitled to costs in the sum of \$402 (comprised of \$402 in court filing fees) to be paid from the Judgment Fund pursuant to 28 U.S.C. § 1920. It is further

ORDERED that Plaintiff is entitled to attorney's fees in the sum of \$6,050.46 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. It is further

ORDERED that the Plaintiff is entitled to expenses in the amount of \$383.23 (comprised of postage expense of \$8.10 and \$375.13 in state and local sales tax), pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. It is further

ORDERED that under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by the court belong to the Plaintiff and are subject to offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B) (2006). It is further

ORDERED that the EAJA fees shall be paid to Plaintiff Bonnie Marie Heller but delivered to Plaintiff's attorney, Heather Lammers Bogard, PO Box 290, Rapid City, SD 57709.

DATED this 5th day of December, 2023.

BY THE COURT:



DANETA WOLLMANN
United States Magistrate Judge